

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

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In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹
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PROMESA

Title III

No. 17 BK 3283-LTS

Re: ECF No. 13573

(Jointly Administered)

**JOINT URGENT MOTION OF AMBAC
ASSURANCE CORPORATION AND THE FINANCIAL
OVERSIGHT AND MANAGEMENT BOARD FOR A SECOND ADJOURNMENT OF
AMBAC’S MOTION TO STRIKE CERTAIN PROVISIONS OF THE AMENDED PSA**

Ambac Assurance Corporation (“Ambac”) and the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board,” and together with Ambac, the “Parties”) respectfully submit this joint urgent motion (the “Joint Motion”) for entry of an order, substantially in the form attached hereto as **Exhibit A**, granting a second adjournment of Ambac’s *Motion to Strike Certain Provisions of the Amended Plan Support Agreement by and among the Financial Oversight and Management Board for Puerto Rico, Certain GO Holders, and Certain PBA Holders* [ECF No.

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283- LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

13573] (the “Motion to Strike”).² In support of this Joint Motion, the Parties respectfully represent as follows:

BACKGROUND

1. Ambac filed its Motion to Strike on July 7, 2020.
2. On July 9, 2020, the Court entered a scheduling order requiring that opposition papers to the Motion to Strike be filed no later than 5:00 p.m. on July 21, 2020 and that reply papers be filed no later than 5:00 p.m. on July 28, 2020 [ECF No. 13595]. The Court indicated that, thereafter, it would consider the Motion to Strike on submission.
3. On July 13, 2020, the Parties filed their *Joint Urgent Motion of Ambac Assurance Corporation and the Financial Oversight and Management Board for an Adjournment of Ambac’s Motion to Strike Certain Provisions of the Amended PSA* [ECF No. 13620] (the “First Adjournment Motion”). On July 14, 2020, the Court entered an order granting the First Adjournment Motion, setting the deadline by which opposition papers to the Motion to Strike must be filed as August 25, 2020, at 5:00 p.m. (Atlantic Standard Time).
4. Upon discussion, the Parties have determined that a further adjournment of the Motion to Strike is appropriate.

RELIEF REQUESTED

5. By this Joint Motion, the Parties jointly request an order granting a second adjournment, as more fully described on **Exhibit A** hereto. Specifically, the Parties request that (a) pleadings in opposition to the relief requested in the Motion to Strike by filed and served no

² Capitalized terms used but not defined herein shall have the meanings given to them in the Motion to Strike.

later than 5:00 p.m. on October 6, 2020, and (b) reply pleadings in support of the relief requested in the Motion to Strike be filed and served no later than 5:00 p.m. on October 20, 2020.

6. Pursuant to Paragraph I.H of the *Thirteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 13512-1], the Parties hereby certify that they have carefully examined the matter and concluded that there is a true need for an urgent motion; have not created the urgency through any lack of due diligence; have made bona fide efforts to resolve the matter without a hearing; have made reasonable, good-faith communications in an effort to resolve or narrow the issues that are being brought to the Court; and no party opposes the relief requested herein.

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Dated: August 25, 2020
San Juan, Puerto Rico

Respectfully submitted,

/s/ Roberto Cámara-Fuertes

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*Attorneys for the Financial Oversight and
Management Board for Puerto Rico, as
representative of the Commonwealth of Puerto Rico*

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CERTIFICATE OF SERVICE

I hereby certify that on this same date a true and exact copy of this notice was filed with the Clerk of Court using the CM/ECF system, which will notify a copy to counsel of record.

/s/ Hermann D. Bauer

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Exhibit A

Proposed Order

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

-----X
In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.³
-----X

PROMESA
Title III

No. 17 BK 3283-LTS

Re: ECF No. 13573

(Jointly Administered)

**[PROPOSED] ORDER GRANTING JOINT URGENT MOTION
OF AMBAC ASSURANCE CORPORATION AND THE FINANCIAL
OVERSIGHT AND MANAGEMENT BOARD FOR A SECOND ADJOURNMENT OF
AMBAC’S MOTION TO STRIKE CERTAIN PROVISIONS OF THE AMENDED PSA**

Upon consideration of the *Joint Urgent Motion of Ambac Assurance Corporation and the Financial Oversight and Management Board for a Second Adjournment of Ambac’s Motion to Strike Certain Provisions of the Amended PSA* (the “Joint Motion”),⁴ and the Court having reviewed the Joint Motion and the relief requested; the Court having jurisdiction over this matter

³ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283- LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

⁴ Capitalized terms used but not defined in this Order shall have the meanings given to them in the Joint Motion.

pursuant to 28 U.S.C. § 1331 and 48 U.S.C. § 2166(a); the Court determining that venue of this proceeding and the Joint Motion in this District is proper under 28 U.S.C. § 1391(b) and 48 U.S.C. § 2167(a); notice of the Joint Motion being adequate and proper under the circumstances; and after due deliberation and sufficient cause appearing; therefore, it is HEREBY ORDERED THAT:

1. The Joint Motion is GRANTED as set forth herein.
2. Opposition papers to the Motion to Strike must be filed by **October 6, 2020, at 5:00 p.m. (Atlanta Standard Time)**. Reply papers must be filed by **October 20, 2020, at 5:00 p.m. (Atlanta Standard Time)**.
3. The relief granted herein is without prejudice to the Parties seeking a further extension of the periods to submit opposition and reply pleadings and an adjournment of the Court's consideration of the Motion to Strike and the relief requested therein.

SO ORDERED.

Dated: _____
San Juan, Puerto Rico

LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE